

1991 POT CREEK DISTRIBUTION MEETING

The meeting was convened at 11:05 a.m. on February 7, 1991 and was conducted by Lee Sim of the State of Utah Division of Water Rights.

The following people were in attendance at the meeting:

<u>Name</u>	<u>Representing</u>
Lee Sim	Utah Division of Water Rights - SLC
Bill Martin	Colorado Water User
Gary Sutton	Colorado Water User
Corrine Pease	Colorado Water User
Michael L. McCarrell	Landowner
Lynn Burton	Uintah Basin Grazing Assn.
Duane Karen	Colorado & Utah
Dave Karren	Karren Bros. (Landowner)
Chad Crosby	Pot Creek Water Commissioner
Udell Gardiner	Landowner
Ed Blank	Colorado Division Engineer
Jack Leonard	Colorado Water Commissioner
Ralph Johnson	Utah Division of Water Rights
Paul W. McCoy	Landowner
Lorin N. Sperry	Utah Division of Wildlife Resources
Bob Leake	Utah Division of Water Rights
John Larsen	Utah Division of Water Rights
Billie White	Utah Division of Water Rights

Minutes from the 1990 Pot Creek Distribution meeting were read by Bob Leake. Udell Gardiner made a motion to accept the minutes as read. Dave Karren seconded the motion. Motion carried.

In the 1989 budget, \$272.92 was paid by Pot Creek Distribution System for a diver to fix Crouse Reservoir. The members felt that this should be repaid to the System by DWR. Chad stated that he presumed that it had been taken care of, but that he would find out and get it taken care of.

Chad Crosby was asked if he had followed up on the motion made during the 1990 meeting requesting that he talk to DWR regarding making 2 acre feet of water available for stockwatering. Chad said that he had discussed it with Walt Donaldson, Regional Supervisor, and Walt stated that it could be arranged.

The financial report was read by Lee Sim. Mike McCarrell asked Lee when the billing takes place. Lee stated that usually two to three weeks following the meeting. Gary Sutton asked if the majority of the budget went for the Commissioner's wages and Lee said that it did. Gary Sutton also asked why the money paid into the system by Colorado users was used to repair headgates for benefit of users in Utah and didn't benefit them. Lee explained that in cases such as this, there was a special assessment levied only on those water users involved. Gary made the motion that the financial report be accepted as read. Dave Karren seconded the motion and motion carried.

Chad Crosby presented the Commissioner's Report for 1990. He reported that because USGS Gauge malfunctioned in November 1989 and was not repaired until May 1, 1990, maximum discharge is not known, however, staff gauge readings at Matt Warner show that between November 11, 1989 and July 1, 1990, the Pot Creek drainage produced only 670 acre feet of water. A discussion ensued regarding placement of the gauges and the time period between readings. Some felt it would be more effective to have a gauge at Calder and Crouse. Lee Sim explained that the Distribution System would need to appropriate money to purchase the gauges and have them installed. Chad explained that DWR planned to store the water in Matt Warner again this year as money has not yet been appropriated to repair Crouse and probably won't be until 1992 or 1993. Gary Sutton asked if DWR had approval to do this. Bob Leake stated that a Change Application had been made and was in the process to be advertised and that he would have the opportunity to protest it if he was not in agreement. He further stated that a couple of years ago, the State Engineer had given DWR permission to store water in Matt Warner temporarily because of the problem with Crouse Reservoir and with the understanding that they would file a change application. Gary asked Lee Sim if it was illegal for them to store it in Matt Warner until the change application was approved. Gary expressed the feeling that this was the reason that Offield and the Colorado Water Users didn't get their share of the water. Chad explained that the water had to be there before he could deliver it and due to the drought the past three or four years, there had not been enough water to fill the first right regardless of where it is stored. Bob Leake stated that this problem could not be resolved at this meeting, that it will need to be formalized through the application process.

Dave Karren asked if the water is delivered to the State Line. Bob Leake stated that the direct flow is measured at the State Line, but it would depend on your agreement with DWR for any water stored. If the user wants it stored, then he needs to call for it. Udell Gardiner explained that several years ago when he was Commissioner, that Colorado Water Users requested that DWR store their water until they needed it, rather than let it all come during high runoff so that they would have water in late summer or fall when they really needed it. Dave Karren stated that if they were able to get their water early this year, maybe they would get a little water and store it themselves. Dave Karren made the motion that the Commissioner release all the water available to Colorado. Gary Sutton seconded and motion passed.

Lee opened discussion on the Commissioner's duties and election of a Commissioner. It was debated about how often the Commissioner would need to read the gauges and if there should be more gauges installed. Mike McCarrell asked Lee Sim what a gauge and recorder would involve. Lee stated that the cost would probably be around \$2,000. Gary Sutton suggested the Commissioner read the USGS gauge once a week when flows start in the spring and Udell Gardiner asked why not take the tarp out of Crouse and let the water flow through Crouse and measure it at Calder until flow drops to 5 feet. Mike McCarrell made the motion to this affect and Gary Sutton seconded. Motion passed.

Election of a commissioner for this year was discussed. Udell Gardiner made a motion that Chad Crosby be retained as commissioner. Max Rasmussen seconded the motion. There were 3 in favor and 2 opposed. The Colorado Water Users expressed that they no longer desired to have Chad Crosby as commissioner. Lee Sim advised that according to the 1958 agreement, that Utah can recommend a commissioner and Colorado can veto if they don't approve; also that Colorado can recommend a commissioner and Utah can veto. Ed Blank, Colorado Engineer then opened nominations from the Colorado Users. Gary Sutton made a motion that George Miller be elected as commissioner and Bill Martin seconded. 4 voted yes and none against from Colorado. This nomination was brought to a vote by Utah with 2 in favor and 3 opposed. It was decided that the two State Engineers should be given the authority to appoint a commissioner. The Commissioner's salary was discussed and it was pointed out that he would need more salary if he would be spending considerably more time reading the gauges and regulating the water than in the past. Also Lee Sim advised that the bond for the Commissioner had increased from \$50.00 to \$100.00 and that it would not be feasible to hire a Commissioner on a contractual basis as he would need to be directed from time to time. Bill Martin made the motion that since it had been decided to let the Colorado and Utah State Engineers appoint a Commissioner, that they have the authority to set the salary as long as each State paid their fair share (possibly 80/20 basis). Gary Sutton seconded the motion and motion carried.

Max Rasmussen asked if the water users will all take an increase in order to cover the raise and Lee Sim answered yes. It was then brought to a vote. There were 7 in favor - 1 was opposed.

Bill Martin made a motion to retain Max Rasmussen, George Miller, and Gary Sutton as directors for the Pot Creek Distribution System. Dave Karren seconded the motion and the motion carried.

Meeting adjourned at 1:05 p.m.